

Ordinance No.: 17-06
Zoning Text Amendment No.: 11-02
Concerning: Non-Conforming Uses –
Historic Resources
Draft No. & Date: 1 – 03/23/11
Introduced: April 12, 2011
Public Hearing: June 14, 2011
Adopted: July 19, 2011
Effective: August 8, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow the reinstitution of non-conforming uses on historic resource sites; and
- generally amend the provisions for non-conforming uses

By amending the following section of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59-G-4 NON-CONFORMING USES, BUILDINGS, AND
STRUCTURES
Section 59-G-4.1 Continuation

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 11-02, sponsored by Councilmember Navarro, was introduced on April 12, 2011.

On June 9, 2011, the Planning Board recommended approval of ZTA 11-02 with an amendment to delete the alternative to establish the historic use through land records. Planning Staff recommended ZTA 11-02 as introduced. In Planning Staff's opinion, ZTA 11-02 offers a reasonable response to competing public policy objectives.

On June 14, 2011, the County Council held a public hearing. All of the testimony supported the approval of ZTA 11-02 as introduced. The Aspen Hill Civic Association submitted testimony in support of ZTA 11-02. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 11, 2011 to review the amendment. The Committee recommended approval of ZTA 11-02 as introduced. In the Committee's opinion, ZTA 11-02 would enhance the economic viability of historic resources by allowing historic properties to revert to their historic uses.

The District Council reviewed Zoning Text Amendment No. 11-02 at a worksession held on July 19, 2011, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 11-02 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. 59-G-4.1 is amended as follows:

Sec. 59-G-4.1. Continuation.

A nonconforming use may be continued, subject to the following limitations:

* * *

59-G-4.14. Abandonment of Use.

If a nonconforming use is abandoned, it must not be reestablished, subject to Section 59-G-4.16. A nonconforming use is abandoned if the nonconforming use stops for at least 6 months.

* * *

59-G-4.16. Historic Resources.

Any nonconforming use that has ceased operations for more than 6 months may be reestablished if the use is:

(a) located in a historic structure or on a historic site identified in the Master Plan for Historic Preservation; and

(b) consistent with the historic use of the property as documented in the Locational Atlas of Historic Sites, the Master Plan for Historic Preservation, or the land records.

59-G-4.17. Nonconforming Use Certification.

* * *

Sec. 3. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

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23 This is a correct copy of Council action.

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25 *Linda M. Lauer*

26 Linda M. Lauer, Clerk of the Council